

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: James E. Selis

Group No.: 3731

Application No.: 10/631,204

Examiner: Tyson, Melanie Ruano

Filed: 07/31/2003

For: BIOPSY DEVICES AND METHODS

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUPPLEMENTAL RESPONSE TO OFFICE ACTION AND TRANSMITTAL
ACCOMPANYING AFFIDAVIT UNDER RULE 132 BY Dr. THOMAS HALL**

CLAIM REJECTIONS – 35 USC § 103

The Office Action rejected claims 61-64, 67-72, and 76-79, and states that "Hoyns fails to disclose the first ends of the first and second arc segments project in a direction away from the second ends of the first and second arc segments." The Office Action then goes on to state that it would have been obvious to one having ordinary skill in the art to orient the ends as claimed. Next, the Office Action states that it is the Applicant's burden to show why a clip with ends projecting away from each other **"provides an advantage, is used for a particular purpose, or solves a stated problem."** The rejection concludes by stating that **"it appears the prior art clip having first ends projecting towards the second ends would perform equally well."**

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. section 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being sent via EFS to USPTO.GOV:

Date: 12.17.08

Becky Wilson
Signature

Becky Wilson
(type or print name of person certifying)